

**REMARKS**

**Status of the Claims**

*Pending Claims*

Claims 1-3, 7, 9-12, 16, 28-43,46-49, 51, 52 and 55 are pending.

Claim 55 is canceled in the instant amendment, without prejudice or disclaimer.

Claims 34, 35, 38 and 44 are withdrawn from further consideration by the Examiner, as being drawn to a non-elected invention.

Therefore, claims 1-3, 7, 9-12, 16, 28-43,46-49, 51, and 52 are currently under consideration.

*Outstanding Rejections*

Claim 55 is rejected under 35 U.S.C §112, second paragraph. Claims 1-3, 7, 9-12, 16, 28-43,46-49, 51, and 52 are rejected for nonstatutory obviousness-type double patenting.

The instant amendment addresses these issues.

**Claim Rejections – 35 USC § 112, second paragraph**

Claim 55 is rejected under 35 U.S.C. §112, second paragraph, as indefinite for reasons set forth on page 3 of the OA.

The instant amendment addresses this issue. Claim 55 has been canceled, without prejudice or disclaimer. Therefore, Applicants respectfully submit that the rejection under 35 U.S.C. § 112 can be properly withdrawn.

Double Patenting

Claims 1-3, 7, 9-12, 16, 28-43, 46-49, 51, and 52 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-9 of US Patent No. 6,492,511.

A terminal disclaimer in compliance with 37 CFR §1.321(c) is filed herewith. Therefore, Applicants respectfully submit that the rejection for nonstatutory obviousness-type double patenting may be properly withdrawn.

**CONCLUSION**

In view of the foregoing amendment and remarks, Applicants respectfully submit that the Examiner can properly withdraw the rejection of pending claims under 35 U.S.C. §112, second paragraph and nonstatutory obviousness-type double patenting. In view of the above, claims in this application after entry of the instant amendment are believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejections of the claims and to pass this application to issue.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 50-0661 referencing docket no. D1350-6US. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (858)526-0376.

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Respectfully submitted,

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